

REMARKS**Summary of the Office Action**

Claims 1-3 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,522,889 to Aarnio (hereinafter “Aarnio”) and further in view of U.S. Patent 6,420,977 to Corbitt et al. (hereinafter “Corbitt”).

Claims 4-20 are allowed.

Summary of the Response to the Office Action and the Advisory Action

Applicants have amended claims 1 and 21 to differently describe embodiments of the instant application and to improve the form of the claims. Accordingly, claims 1-21 remain pending for consideration. The Examiner is thanked for the indication that claims 4-20 are allowed.

General Comments on the Advisory Action

In the Advisory Action dated December 28, 2004, the Examiner indicates that the reply filed on “November 4, 2004” fails to place the application in condition for allowance for the reasons set forth on the Continuation Sheet to the Advisory Action.

Applicants understand that this Advisory Action was intended to refer to the Amendment filed by Applicants on November 3, 2004 and if Applicants’ understanding is incorrect, clarification should be provided by the Examiner. Even further, the Advisory Action does not indicate whether or not the Amendment filed on November 3, 2004 has been entered or not at this time (i.e., none of the boxes in section 2 of the PTOL-303 Form have been checked). However, from the indication at section 7 of the PTOL-303 Form (which is related to entry of an Amendment for purposes of an appeal), Applicants understand that the claim amendments to claim 21, as filed on November 3, 2004, have not yet been entered. Accordingly, they are

implemented once again in the instant paper together with new amendments to each of claims 1 and 21. However, because the Examiner has indicated on the PTOL-303 that the “request for reconsideration” has been considered, Applicants understand that the arguments filed on November 3, 2004 are part of the record of the instant application and they will thus not be repeated herein. If Applicants understanding is incorrect in this regard, clarification is requested in the next Office Communication.

The Rejections under 35 U.S.C. §§ 103(a)

Claims 1-3 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aarnio and further in view of Corbitt. Applicants have amended claims 1 and 21 to differently describe embodiments of the instant application and to improve the form of the claims. These amendments will be discussed further below. However, Applicants will first proceed by responding to particular assertions made in the Advisory Action dated December 28, 2004.

Traversal of Particular Assertions in Advisory Action

On the Continuation Sheet to the Advisory Action, the Examiner makes a detailed characterization of the previously-applied U.S. Patent No. 6,522,889 to Aarnio (hereinafter “Aarnio”) in lines 5-19. The Examiner then briefly discusses, at lines 19-21, the applied secondary reference U.S. Patent No. 6,420,977 to Corbitt et al. (hereinafter “Corbitt”).

The Examiner then goes on to allege that in “response to applicant’s arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.” Applicants respectfully traverse this assertion because detailed arguments were presented by Applicants in the Amendment filed on November 3, 2004 traversing the Final Office Action’s *combination* rejection under 35 U.S.C. § 103(a) applying Aarnio and Corbitt against the claims of the instant

application. Any arguments presented therein of Aarnio and Corbitt taken separately were presented to explain the traversal of the *combination* of these references (i.e., to explain why the combination of these particular references is not tenable). See, for example, page 12, lines 6-19 and page 13, lines 7-19 of the Amendment filed on November 3, 2004.

The Advisory Action does not address these detailed arguments explaining how the recited combinations of independent claims 1 and 21 “could not be obtained by the suggested addition of the feature of Corbitt to the apparatus of Aarnio” at page 12 of the Amendment filed on November 3, 2004.

The Advisory Action also does not address the arguments regarding transmission of position information “from the portable information terminal” as set forth in the final paragraph of page 12 and the first paragraph of page 13.

Even further, the Advisory Action does not address the as-filed arguments, at page 13 of the November 3, 2004 Amendment, of why the *combination of Aarnio and Corbitt* would result in a “mere aggregation of a location (position determination) feature and a video image display feature into the arrangement of Aarnio in a manner that is clearly different from the features of the portable information terminal and the interior image information providing site combinations respectively recited in claims 1 and 21 of the instant application.”

Instead of addressing at least the November 13, 2004 Amendment’s above-noted arguments traversing the *combination* of these references, the Advisory Action merely characterizes each of Aarnio and Corbitt separately, at lines 5-19 and 19-21 of the Continuation Sheet, respectively. Accordingly, Applicants respectfully note that it appears that it is the USPTO, not the Applicants, who is merely discussing the references individually.

The Examiner goes on to note at lines 24-25 of the Continuation Sheet that “limitations from the specification are not read into the claims.” In the event that such a position is maintained, Applicants respectfully request further clarification of the Examiner’s assertion in this regard. In particular, the features argued by the Applicants in the Amendment filed on November 3, 2004 are in fact clearly recited in the claims. The Examiner has not provided any specific details supporting this apparent assertion that features argued by Applicants are not currently recited in the claims.

Finally, the Examiner goes on to note at lines 25-27 of the Continuation Sheet that “[a]nticipatory reference need not duplicate, word for word, what is in the claims; anticipation can occur when claimed limitation is ‘inherent’ or otherwise implicit in relevant reference.” Applicants also respectfully request further clarification of the Examiner’s assertions in this regard. In particular, the outstanding rejections are under 35 U.S.C. § 103(a). The Examiner’s arguments in this regard appear to imply that the rejections are anticipatory rejections under 35 U.S.C. § 102.

In summary, Applicants respectfully submit that the arguments previously filed on November 3, 2004 are particularly strong. However, the Examiner has not substantively responded to any of the specific arguments traversing the *combination of Aarnio and Corbitt* in the Advisory Action. MPEP § 706.07 provides directives as to the form of the statement of grounds of a final rejection to be applied by a Patent Examiner. It states that “...the final rejection ... should include a rebuttal of any arguments raised in the applicant’s reply (emphasis added).” Applicants respectfully submit that the Final Office Action does not respond to the detailed traversals of the combination of Aarnio and Corbitt, as set forth in the previous Amendment filed on November 3, 2004.

Accordingly, while Applicants' Amendment filed on November 3, 2004 provided a detailed substantive traversal of the rejections in the August 3, 2004 Final Office Action, the Examiner has not provided a substantive rebuttal of that traversal, as directed by MPEP § 706.07, but instead merely discusses the applied Aarnio and Corbitt references separately without any specific response to Applicants' as-filed arguments traversing the combination rejection.

Accordingly, Applicants respectfully request, in the event that a further Office Communication might maintain the final rejection, that a detailed, substantive rebuttal of these previously-filed arguments be presented by the Examiner in the next Office Communication.

Newly-Amended Independent Claims 1 and 21

Nevertheless, as discussed above, Applicants are newly-amending each of independent claims 1 and 21 in the instant Amendment paper. To the extent that the current rejection of these claims under 35 U.S.C. § 103(a) might be deemed to apply to the claims as newly-amended, it is respectfully traversed as follows.

Claims 4-20 are currently indicated as allowed. Applicants have opted to expedite prosecution in this application by adding limitations to each of the remaining rejected independent claims 1 and 21 in order to more particularly recite an interaction between the instant application's disclosed portable information terminal, image information providing site, and facility site in a manner similar to that recited in allowed independent claim 4, for example.

In this regard, independent claim 1 has been newly amended to recite a portable information terminal combination that includes "an image signal receiving part for receiving an image signal from [[an]] one of a plurality of image pickup part parts respectively installed in a plurality of facility sites, identified by an interior image information providing site and sent via a mobile communication network"; and "a position detecting signal outputting part which outputs,

via a mobile communication network, a position detecting signal representing an own position of said portable information terminal to said interior image information providing site, said position detection signal being used for identifying a facility site in which an image-pickup part is installed and which is located in an area including said own position of said portable information terminal, so that an image signal from said image pickup part installed in said facility site, received by said interior image information providing site, is sent to said portable information terminal via the mobile communication network.”

Also, independent claim 21 has been newly-amended to recite an interior image information providing site that includes “a sending part for sending said image signal inputted via a computer network, from said an image-pickup part of said facility site which has been identified to receive said image signal, to said portable information terminal via a mobile communication network, so that said portable information terminal receives said image signal from said image-pickup part of said facility site based on the position detection signal that is output from the portable information terminal.”

Applicants respectfully submit that at least these features of independent claims 1 and 21 are neither shown nor suggested by the art of record.

Accordingly, Applicants respectfully submit that the rejections under 35 U.S.C. § 103(a) of independent claims 1 and 21 should be withdrawn. Moreover, Applicants respectfully submit that dependent claims 2-3 are allowable for at least the same reasons as independent claim 1, on which they depend. Withdrawal of the rejections of dependent claims 2-3 is thus also respectfully requested.

The Examiner is thanked for the indication that claims 4-20 are allowed. However, for at least the foregoing reasons, Applicants respectfully submit that claims 1-3 and 21 are also in condition for allowance.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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